

**ATTACHMENT A**

**STIPULATION OF FACTS**

*The undersigned parties stipulate and agree that if this case had proceeded to trial, this Office would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.*

At all times relevant to the conduct described below, **STEPHEN MCGRATH** (“**MCGRATH**”) was a resident of Rockville, Maryland.

*Victim 1*

On June 16, 2017, **MCGRATH** used MeetMe, a Internet-based chat application, to contact Victim 1, a 15 year old female living outside the state of Maryland. **MCGRATH** assumed the online persona of a 15 year old female named “Holly” from Atlanta, Georgia. **MCGRATH**, posing as “Holly,” encouraged Victim 1 to communicate with “Holly’s” modeling agent using KIK, an Internet based application that facilitates communication through text, images, and video. **MCGRATH**, using the screen name “joanatfirst” on KIK and posing as a female modeling agent, engaged in a lengthy chat conversation with Victim 1. At the beginning of the conversation, **MCGRATH** asked Victim 1’s age and continued after he was given a birthdate indicating that Victim 1 was 15 years old.

Ultimately, under the ruse of determining Victim 1’s potential as a model, **MCGRATH** persuaded Victim 1 to send pictures of herself that constitute child pornography. For example, Victim 1 took and captured the following images during the chat conversation at **MCGRATH**’s specific direction:

The image with file name db50fd43-dd94-479c-bcbd-a9cce2387a84 depicts the minor female sitting on the floor naked from the waist down with her legs spread exposing her genitalia to the camera. The minor female’s genitalia are the focus of the image.

The image with file name e76178ad-32ff-40ba-a393-f65a3a6f6016 depicts the minor female sitting on the floor naked from the waist down with her legs spread exposing her genitalia to the camera. The minor female’s genitalia are the focus of the image.

**MCGRATH** specifically requested pictures depicting Victim 1 manipulating her genitalia (“Spread with the fingers and with face in the pic. One or two shots[.]”). The images were sent to **MCGRATH** at **MCGRATH**’s specific direction via the KIK application.

Subscriber information for the “Holly” MeetMe account and the “joanatfirst” KIK account showed that the user connected to each account through the same IP address. At the time of the communications, the IP address was assigned to **MCGRATH** at an address in Rockville, Maryland.

Based in part on the information provided by Victim 1, including the content of chat conversations with **MCGRATH** from Victim 1's phone, a federal search warrant was executed at **MCGRATH**'s residence in Rockville, Maryland on October 13, 2017. **MCGRATH** was *Mirandized* and interviewed and admitted persuading others to send him child pornography via Internet applications.

Agents seized **MCGRATH**'s 64GB Apple iPhone 6s (model A1633) with serial number F17QLUKSGRXW. The iPhone 6s had been manufactured in China. A review of **MCGRATH**'s iPhone 6s revealed the presence of the "KeepSafe" application for password-protected digital storage. **MCGRATH** supplied the password. Various folders within the KeepSafe application were labeled with female names and contained pictures and videos constituting more than 600 images of child pornography. The KIK internet application was also found on the phone as well as numerous chat conversations with minor females, some of which also included images that depicted child pornography.

*Victim 2*

In September 2017, **MCGRATH** posed as "Tina K" an employee for a modeling agency, and, using MeetMe and KIK, communicated with Victim 2, a 13 year old female who lived outside the state of Maryland. After first requesting various pictures of Victim 2 clothed and from various angles, **MCGRATH** then requested nude pictures, and Victim 2 complied. **MCGRATH** also requested that Victim 2 take a video of herself with the direction to "rub it," and Victim 2 complied by taking a video of herself rubbing her vagina. One KeepSafe folder recovered from **MCGRATH**'s iPhone 6s contained a video depicting Victim 2 wearing a black and white striped sweater and naked from the waist down. Victim 2 is depicted using her right hand to rub and digitally penetrate her vagina. Victim 2 is then depicted using an object to penetrate her anus. The same KeepSafe folder contained a screen shot of Victim 2's MeetMe profile that indicated she was 13 years old. Victim 2's mother separately reported her daughter's contact with **MCGRATH** to local law enforcement. **MCGRATH** knowingly persuaded, induced, and enticed Victim 2 to take images and videos of herself engaged in sexually explicit conduct.

*Victim 3*

In or about September 2017, **MCGRATH** posed as "tinayongatfirst" and "romiatfirst" and, using MeetMe and KIK, communicated with Victim 3, a 14 year old female who lived outside the state of Maryland. Victim 3 informed **MCGRATH** that she was 14 years old. **MCGRATH** directed Victim 3 to take pictures of her genitalia, and Victim 3 complied. Victim 3 later identified herself in images recovered from **MCGRATH**'S KeepSafe folder. **MCGRATH** knowingly persuaded, induced, and enticed Victim 3 to take images of herself engaged in sexually explicit conduct.

*Victim 4*

On September 26, 2017, **MCGRATH**, on KIK and posing as modeling agent "zoeatfirst," communicated with Victim 4, a 16 year old female who lived outside the state of Maryland. **MCGRATH** confirmed Victim 4 was interested in "modeling online" including by telling Victim

4 that “[w]e get you free clothes and money for clicks.” **MCGRATH** confirmed Victim 4’s date of birth. **MCGRATH** directed Victim 4 to take a picture of her genital area without panties, and Victim 4 complied. **MCGRATH** knowingly persuaded, induced, and enticed Victim 4 to take images of herself engaged in sexually explicit conduct.

*Victim 5*

On October 6, 2017, **MCGRATH**, posing as a modeling agent under the KIK screen name “zoeatfirst,” communicated with Victim 5, a 12 year old female who lived outside the state of Maryland. **MCGRATH** asked “Interested in an evaluation?” **MCGRATH** also initially confirmed Victim 5’s date of birth. After first requesting various pictures of Victim 5 clothed and from various angles, **MCGRATH** directed Victim 5 to take a picture of her genital area without panties, and Victim 5 complied. When **MCGRATH** directed Victim 5 to “sit down and spread your legs apart. Point the camera at the area between your legs,” Victim 5 quit the chat. **MCGRATH** knowingly persuaded, induced, and enticed Victim 5 to take images of herself engaged in sexually explicit conduct. **MCGRATH** knowingly persuaded, induced, and enticed Victim 5 to take images of herself engaged in sexually explicit conduct.

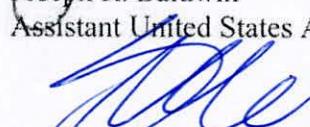
*Victim 6*

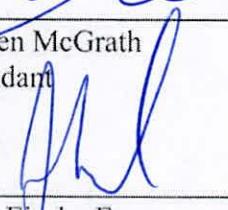
On October 9, 2017, **MCGRATH**, again on KIK and posing as modeling agent “zoeatfirst,” communicated with Victim 6, a 14 year old female who lived outside the state of Maryland. **MCGRATH** asked “Modeling evaluation?” and also confirmed Victim 6’s date of birth. After first requesting various pictures of Victim 6 clothed and from various angles, **MCGRATH** directed Victim 6 to take a picture of her genital area without panties and Victim 6 complied. **MCGRATH** questioned Victim 6 about her sexual experience and preferences. **MCGRATH** also asked for, and Victim 6 provided, the KIK accounts of two male friends. **MCGRATH** then sent sexually explicit pictures of Victim 6 to both of the male friend’s accounts. **MCGRATH** knowingly persuaded, induced, and enticed Victim 6 to take images of herself engaged in sexually explicit conduct, and then distributed some of those images to others.

SO STIPULATED:

  
Joseph R. Baldwin

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Defendant

  
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Counsel for Defendant